

REMARKS

Claims 1-20 are pending and claims 1-20 stand rejected. Claims 1-3, 9, and 16 are amended. Claims 1-3 and 16 have been amended to highlight the differences between the claimed invention and the prior art cited against the claims. The undersigned believes these amendments do not add new matter. Claim 9 is amended in response to the Examiner's objection to the duplicate use of the term "claim of". Support for the amendment to claim 1 is found in as-filed claim 5 and in the written description on page 5, line 18 and page 6, lines 21-22.

The undersigned encloses two sheets of formal drawings and a Letter to the Official Draftsperson in response to the Examiner's objection to Fig. 1. Fig. 1 has been re-drawn within the sight area, and thus no red-line corrections to Fig. 1 have been made. The formal drawings include identifying indicia in the center of the top margin.

A Declaration under 37 CFR 1.131 and associated Exhibits A, B, and C are enclosed to establish invention of the subject matter of the rejected claims prior to the effective date of the Giles reference. The undersigned believes that the facts show that the Applicant conceived of the invention and constructively reduced the invention to practice prior to the effective date of the reference, or alternatively conceived of the invention prior to the effective date of the reference and was diligent in the preparation and filing of the instant application. In either event, the undersigned believes Giles is removed as prior art against any claim in this patent application and respectfully requests reconsideration of all pending claims and the withdrawal of all rejections. In the event the Examiner does not agree that the Declaration under 37 CFR 1.131 removes Giles as prior art, the Applicant respectfully traverses the Examiner's position for the following reasons.

Rejections under 35 U.S.C. § 102

Claims 1-4 stand rejected as being unpatentable over U.S. Patent No. 6,323,843 by Giles et al. (hereinafter "Giles"). The Examiner cites Giles for disclosing a first cantilever beam (361) attached to an electronic input device through a first fulcrum ("hinge" 113) at the first end, and a second cantilevered beam (105) having an exposed button portion (105), the second cantilevered beam being attached to the first cantilevered

beam through a second fulcrum (element 1 of Fig. 3, Office Action, page 3, which appears to be the upper portion of rib 115). The Applicant respectfully traverses the Examiner's position.

Claim 1, as amended, recites, among other elements, that the second cantilevered beam is movably coupled to the first cantilevered beam through a second fulcrum. A standard dictionary definition of "fulcrum" is "the point or support on which a lever turns." *American Heritage Dictionary of the English Language*, Houghton Mifflin Co. (1975). The first cantilever beam cited by the Examiner is hinged at only one end. Giles states that the hinge 113 allows the button 105 to rotate when a force is applied to the button 105. Col. 4, lines 33-34 and 48-49; Col. 5, lines 12-13 and 23-24. No movement appears to occur about the second fulcrum 1 cited by the Examiner; hence the Applicant does not believe Giles discloses or suggests the recited second fulcrum of claim 1.

Giles states that when the button rotates about the hinge 115 (*sic.*) . . . the rib 115 depresses the switch 109 and the hinge 113 elastically deflects. Col. 5, lines 12-16. There is no discussion of the button 105 moving in relation to the portion of the rib 115 that the Examiner characterizes as the second fulcrum. The rib 115 is shown in Fig. 3 of Giles as a relatively thick member, which is consistent with its stated purpose of depressing the switch 109 when a force (*e.g.* F_{2A}) is applied to the button 105, and Giles provides no suggestion or motivation to modify the rib 115 so that the button 105 is movably coupled to the first cantilevered beam, as recited in amended claim 1. The Applicant believes the Examiner's characterization of the upper portion of the rib 115 as a second fulcrum is a strained interpretation of the reference or alternatively requires modification of the rib 115 without any suggestion or motivation to do so appearing in the prior art. The Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1. Accordingly, the Applicant believes claim 1 and all claims that depend from claim 1 are allowable.

Amended Claim 2, which depends from claim 1, recites that the second fulcrum comprises a flexible hinge disposed between the second cantilevered beam and the second end of the first cantilevered beam. The upper portion of rib 115 shown in Fig. 3 of Giles, and characterized as second fulcrum 1 in the Office Action, is not a flexible hinge joint, and there is no suggestion in Giles to provide a flexible hinge joint in the

location indicated by the Examiner as second fulcrum 1. Hence, claim 2 is not disclosed or suggested by Giles, and is further allowable.

Amended claim 3, which depends from claim 1, further recites a plunger attached to the second cantilevered beam and extending from the second cantilevered beam through the first cantilevered beam between the first and second ends of the first cantilevered beam. The Examiner characterizes the button 105 of Giles as the second cantilevered beam, and the upper portion of rib 115 as the second fulcrum 1. The Examiner has characterized the first cantilevered beam 361 as being attached to the second fulcrum 1 at the second end of the first cantilevered beam in his rejection of claims 1-4. No plunger attached to the button 105 *extends through* the planar piece of plastic 361 between the hinge 113 and the alleged second fulcrum 1, which is characterized by the Examiner as the first cantilevered beam. The Applicant therefore believes claim 3 is further allowable.

Rejections under 35 U.S.C. § 103

Claims 5-20 stand rejected as being obvious in light of Giles. The Examiner states that Giles discloses a switch button 105 having a palm end (area affected by force F_{1A}) and a distal end (area affected by force F_{2A}), the switch button being movably coupled to the housing so as to move about a fulcrum 1. The Examiner acknowledges that Giles does not disclose positioning the fulcrum nearer to the distal end than the palm end of the switch button, and further asserts that the exact positioning of this fulcrum is a design variable that is not essential to the workings of the invention, and that there is no disclosed criticality as to require the fulcrum to be positioned in the claimed locality. The Applicant traverses the Examiner's position.

The Applicant respectfully directs the Examiner's attention to page 8, lines 10-16 of the Written Description, which explain that when the fulcrum is nearer to the distal end of the switch button, the force required to actuate the device increases as one moves from the palm end, and that this increasing force profile is more consistent with ergonomic considerations. The Applicant also respectfully directs the Examiner's attention to Giles, Col. 3, lines 39-40, which states "the palm can rest on the back portion 106 (*sic*. The undersigned cannot find reference numeral 106 in any figure of Giles.) of the body 103."

If the user's palm is resting on the back portion of the body 103, then the area of the button 105 affected by force F_{2A} would be nearer the palm, not the area affected by force F_{1A} . Both the hinge 113 and the second fulcrum 1 cited by the Examiner are nearer the area of the button 105 affected by force F_{2A} (*i.e.* nearer the palm) and claim 5 is not disclosed or suggested by Giles. Furthermore, the Applicant has taught why the recited relationship is desirable. Therefore, the Applicant believes claim 5 and all claims that depend from claim 5 are allowable.

Claim 9, which depends from claim 5, further recites a spring beam being coupled to the switch button through the fulcrum at a first end and being coupled to the housing at a second end through a second fulcrum. Giles does not disclose or suggest this structure; hence, the Applicant believes claim 9 is further allowable.

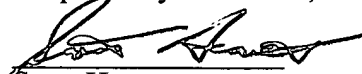
The Applicant believes claim 15 and all claims that depend from claim 15 are allowable for at least the reasons given above in support of claims 1 and 5.

Conclusion

In view of the foregoing, the Applicant believes all claims pending in this Application are in condition for allowance. The Applicant respectfully requests reconsideration of all pending claims, the withdrawal of all rejections, and the issuance of a formal Notice of Allowance at an early date.

If the Examiner believes this amendment does not put all pending claims in condition for allowance, the undersigned invites the Examiner to telephone the undersigned at (707) 591-0789.

Respectfully submitted,


Scott Hewett
Reg. No. 41, 836

Scott Hewett
Patent Attorney
400 West Third Street, No. 223
Santa Rosa, CA 95401
Tel: (707) 591-0789
Fax: (707) 591-0392